



# DCJS TODAY

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DCJS offices will be moving in March 2009. The new address will be:

1100 Bank Street  
Richmond, VA 23219

Virginia Department of  
Criminal Justice Services  
202 North Ninth Street  
Richmond, VA 23219

[www.dcjs.virginia.gov](http://www.dcjs.virginia.gov)

## Director's Column: Changes on Tap at DCJS



**W**e know that 2009 will bring many challenges. Some of them are already evident: for example, the slowing economy's impact on the state budget. We at DCJS

have had to curtail spending in many areas, including, unfortunately, reducing the number of fulltime staff.

Other challenges remain to be revealed. To meet all of the challenges we'll face in 2009 and subsequent years, we will need to have a clear understanding of our mission and priorities, and be positioned to make the fullest, most efficient use of the resources available to us, in particular the talent, expertise and commitment of our staff.

Last fall I asked the staff to help me and our senior management team prepare the agency to meet the challenges of 2009 and beyond. Together we participated in a series of workshops in which staff members were encouraged to offer their ideas and recommendations to improve our services. The following areas of focus emerged from those meetings.

- **Agency unification and collaboration**—streamlining technology, reorganizing agency functions and clarifying the agency's mission and management's philosophy.
- **Communication, compatibility, and resources**—sharing resources across the agency, such as temporarily assigning staff to work with other sections/agencies, relocating staff with similar functions and ensure compatibility by sharing internal databases and maintaining a central repository for resource materials.
- **Knowledge and professionalism**—make use of internal knowledge and expertise

through training/cross-training/bloggging, expanding orientation for new staff, allowing staff greater participation in agency planning, increasing staff responsibility/training to advance succession/professionalism.

- **Customer service, marketing, and partnerships**—advance agency relationships/partnerships with other entities, use technology to enhance customer service through website/on-line tools, systematically survey constituents on their needs/issues, work with universities to increase internship opportunities within the agency.
- **Sustainability, planning and documentation**—promote the value of and the products of the agency to state government, improve its planning functions and boost documentation of agency activities.
- **Leadership and organization**—expand staff involvement and responsibility in all agency functions, cross-train managers, and create and promote a cohesive agency mission/philosophy.

To carry out these recommendations and enhance our ability to improve and promote public safety, we are undertaking an organizational realignment. It is focused on allowing us to be better stewards of the public trust, meet federal and state mandates, and generally become more efficient and effective in meeting our goals.

We will be carrying out the realignment in concert with the relocation of our offices, now scheduled for late March. We will be moving to 1100 Bank Street, the recently refurbished Washington Building at the bottom of Capitol Square. As the time for our move approaches, we will notify all of

*Continued on page 2*



## Environmental Scan Wins Award

A key publication produced in connection with DCJS' criminal justice planning effort has earned an award for the Department's Criminal Justice Research Center.

The Justice Research and Statistics Association (JRSA) presented the 2008 Philip Hoke Award for Excellence in Analysis to the Research Center for the report, *Setting A Course for the Future of the Criminal Justice System in Virginia: Environmental Scan*. The report describes the crime and public safety issues that will be addressed in the Department's forthcoming statewide criminal justice plan. The award was presented at the Bureau of Justice Statistics/Justice Research & Statistics Association 2008 national conference in Portland, Oregon, in October.

The Hoke Award, given annually, is intended to recognize the state Statistical Analysis Center (SAC) that has done the best job of producing research publications that help translate criminal justice information and data into policy. All 50 states have SACs; and the DCJS Criminal Justice Research Center is Virginia's. The Award is named in honor of Philip Hoke, who was the director of the first SAC in the nation, established in Louisiana in 1972. Hoke Awards have been given since 1986.

The awards are given in two categories: Statistical/Management and Research/Policy Analysis, the category in which the *Environmental Scan* was recognized. Publications are submitted by SACs from various states and are judged by a panel of national experts in the field of criminal justice research and reporting. Factors

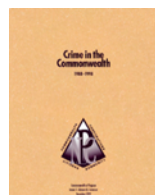
judged in the competition include report organization, data presentation and description, analysis and conclusions and impact on policy development.

The *Environmental Scan* reflects the work of 8 regional focus groups and one state level group; each group was asked to identify and discuss key problems and issues. The focus group participants included representatives of all parts of the criminal justice system as well as education, mental health and social service agencies. The issues articulated by the focus groups were compiled and validated by staff of the Research Center and other sections of the Department; they form the basis of the *Environmental Scan*.

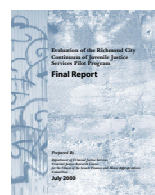
This is the fourth Hoke Award for the DCJS Research Center, the previous awards were given in 1994, 2000 and 2001.

Three of the reports that earned awards, including the *Environmental Scan*, are available on the DCJS Research Center website:

*Setting A Course for the Future of the Criminal Justice System in Virginia: Environmental Scan* [www.dcls.virginia.gov/ppr/documents/08EnvironmentalScan.pdf](http://www.dcls.virginia.gov/ppr/documents/08EnvironmentalScan.pdf)



*Crime in the Commonwealth 1988-1998* [www.dcls.virginia.gov/research/documents/crimeincommonwealth/index.cfm](http://www.dcls.virginia.gov/research/documents/crimeincommonwealth/index.cfm)



*Evaluation of the Richmond City Continuum of Juvenile Justice Services Pilot Program: Final Report* [www.dcls.virginia.gov/research/documents/jjsp/index.cfm](http://www.dcls.virginia.gov/research/documents/jjsp/index.cfm) ■

## Director's Comment

*Continued from page 1*

our many customers of the details of our new address.

In the coming weeks and months, you will see changes to our Web site that will reflect the realignment and which we hope will make it easier for you to access information, services and support; and, of course, those agency staff contacts and relationships that you have come to count on and have enjoyed will continue.

As DCJS and the Commonwealth look for ways to streamline, generate quality products and retain qualified and knowledgeable staff, DCJS will continue to strive for excellence and reach out to the public safety community for their involvement. We trust this electronic newsletter will inform you of our efforts and we welcome your input. ■

## Stimulus Funds Will be Coming to Virginia

The stimulus bill signed by President Obama on February 17 includes funding for criminal justice programs that will benefit Virginia.

While the specific amounts, timetables and other requirements that may be associated with the funds have not yet been determined, we do know that the stimulus legislation provides funds for the Byrne Justice Assistance Grant Program (JAG), Violence Against Women Act grants, Internet crimes against children programs, the Community-Oriented Policing Services (COPS) hiring program, crime victim assistance, and rural law enforcement programs.

*We will post additional information as it becomes available, so check our website periodically for updates.*

[www.dcls.virginia.gov](http://www.dcls.virginia.gov)

## Uniform Statute Table Facilitates Information Flow

The *Code of Virginia* establishes and defines all criminal offenses in the Commonwealth, ranging from minor traffic violations up to capital murder. The Code is the authoritative legal reference for determining what constitutes a crime under the laws of Virginia. Anyone who has taken more than a cursory look at those parts of the *Code* dealing with crimes and offenses knows that Virginia's criminal statutes are very complex.

That complexity made it very difficult for different components of the criminal justice system to compile and use offense and offender-based information: crimes reported, arrests made; charges filed, cases tried, sentences imposed. So agencies developed coding systems intended to translate the complicated array of criminal statutes into simpler, computer-useable form. These were, by and large, developed to meet the particular needs of the part of the criminal justice system that developed them: law enforcement, the courts, corrections.

As a result, in addition to the *Code of Virginia* statute citations, there are 4-digit National Crime Information Center (NCIC) codes, 3-digit Incident-Based Report (IBR) codes, 11-character Virginia Crime Codes (VCCs), and others; and they don't necessarily designate or define offenses the same way. This, of course, makes it hard for agencies in different parts of the criminal justice system that seek to share offense information to understand what offenses they are sharing information about.

Enter DCJS' Integrated Justice Program (IJP) unit, which has developed the Uniform Statute Table (UST) to help solve this problem. The UST is an automated table containing the *Code of Virginia*

citations for offenses as well as the other codes and designations for each offense. The UST also contains information such as the different penalties associated with different levels of each offense.

The UST's standardized file structure can be used by different computer systems that need a look-up table to match criminal statutes with other designations for the same offense. The UST is currently being used in computer systems at the Virginia State Police, the Supreme Court of Virginia, and the Department of Corrections. It is also being used in the LiveScan fingerprint scanners at 264 Virginia law enforcement agencies and by private providers of criminal justice software.

Depending on their responsibilities, different criminal justice agencies and organizations need to know different things about offenses defined in the *Code*. Some of the more commonly used data elements for the offenses maintained in the UST include:

- *Code of Virginia* citation: the general and specific code cites for each offense
- 48 and 30 character offense descriptions for printing on reports or computer screens
- NCIC Code: Standardized 4-digit crime codes established by the FBI
- IBR Code: 3-character Incident Based Reporting Code
- VCC Code: 11-character Virginia Crime Code
- Type: Felony, Misdemeanor, Infraction, or Civil
- Class: Seriousness of felonies and misdemeanors
- CCRC Reportable: Whether the offense is required to be reported to the Central Criminal Records Exchange

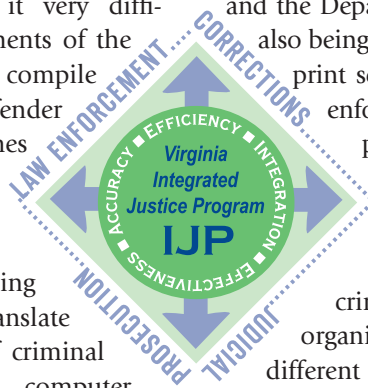
- Enhanced Penalty (EP) Statutes: Associated statutes that may increase the penalty for a particular offense.

The UST is always a "work in progress" that the staff must continuously update to keep current. Every year, the General Assembly makes changes to the statutes, adding new offenses, modifying or deleting existing ones. The various coding systems, such as NCIC, IBR and the VCCs, are also periodically changed and reissued. The IJP staff does the ongoing legal research to update the UST with these changes and the programming needed to update the automated UST, and then makes it available to all of the agencies that use it. This information is posted for downloading by users at: [www.dcs.virginia.gov/ijp/ust\\_data.cfm?menuLevel=0&mID=7](http://www.dcs.virginia.gov/ijp/ust_data.cfm?menuLevel=0&mID=7)

There are several versions or "extracts" of the UST. Most users are interested in either the Base Offense Table or the Full Table. The Base Offense Table is smaller and easier to understand because it contains only one record for each individual offense. The full table contains not only the Base Offenses but also the modified offense variations such as Attempts, Conspiracies, Solicitations, or Enhanced Penalties. These variations can sometimes cause the class, VCC code, or even the Type to change from the Base Offense.

More information about the Uniform Statute Table and a complete list of the data elements it contains are available at: [www.dcs.virginia.gov/ijp/drafts.cfm?menuLevel=5&mID=6](http://www.dcs.virginia.gov/ijp/drafts.cfm?menuLevel=5&mID=6)

Questions about the UST should be directed to Paula Fox [Paula.Fox@dcs.virginia.gov](mailto:Paula.Fox@dcs.virginia.gov), or Greg Lilley [Greg.Lilley@dcs.virginia.gov](mailto:Greg.Lilley@dcs.virginia.gov). ■





## New Regulations in Place for Locksmiths and Locksmith Businesses

**A**s of October 1, Virginia locksmiths and the locksmith industry in the Commonwealth became subject to new registration, licensing and training requirements promulgated on an emergency basis by DCJS in July, 2008.

The new regulations are the result of legislation enacted by the 2008 Session of the General Assembly and signed by Governor Kaine. The legislation, House Bill 462, was introduced at the industry's request by Delegates Dave Albo and Dave Marsden.

The legislation added locksmiths and businesses providing locksmith services to the private security-related services that are subject to DCJS licensing and registration requirements. The law exempts retail merchants who sell locks or make keys at their business locations; and it adds two representatives of the locksmith industry to the Private Security Services Advisory Board.

To prepare to implement the new law, DCJS' Private Security staff convened a committee of industry representatives to assist in developing the emergency regulations, including minimum training standards. The new rules, in the form of emergency regulations, were published in the *Virginia Register* in July. Permanent regulations are currently being promulgated under the Administrative Process Act and available for review on the Virginia Townhall website.

The emergency regulations require any company providing locksmith services in the state to be licensed by DCJS. Among other requirements, a business seeking licensing must designate one of its employees as a Compliance Agent, responsible for assuring that the business complies with state regulations and the law; the agent must meet minimum requirements set out in the regulations,

including completion of six hours of entry-level training.

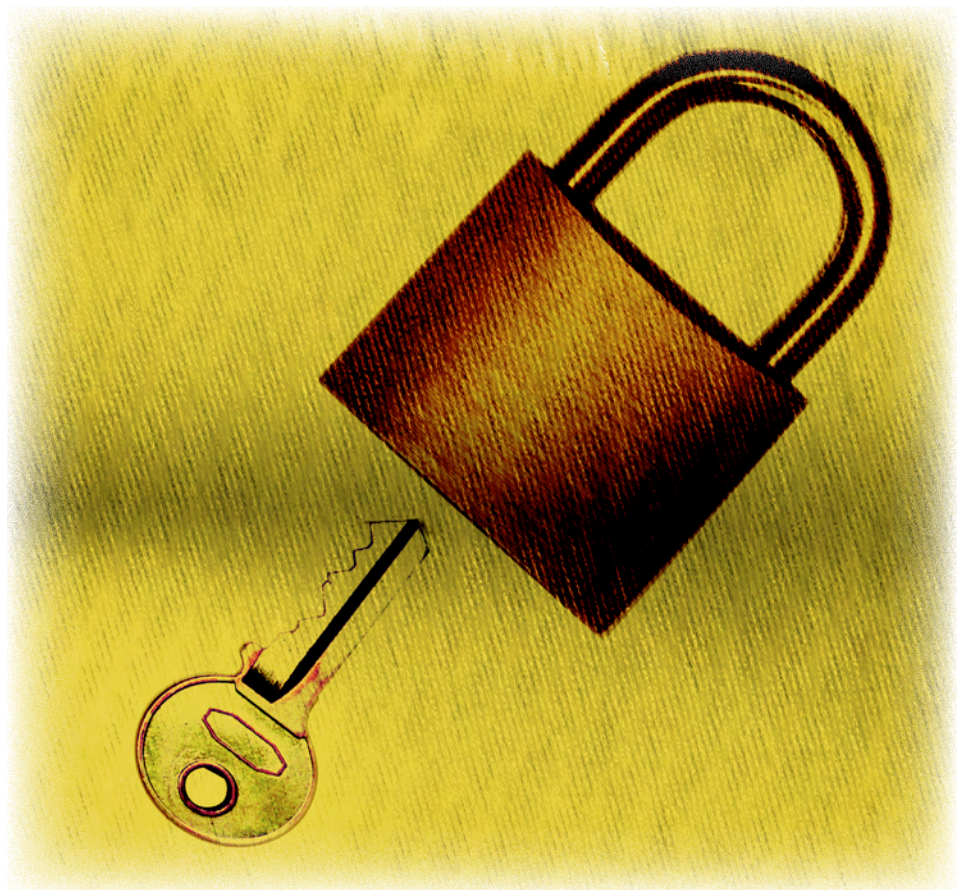
Any individual providing locksmith services must register with the Department and comply with minimum requirements, including completing 18 hours of entry-level training. The training requirement, however, can be waived if the applicant can show that he/she has been providing locksmith services for at least two years.

Lisa McGee, Chief of the Private Security Services at DCJS, said, "Staff members have worked diligently to help eligible individuals meet the new requirements prior to October 1. In addition, we are providing technical assistance and compliance training for affected businesses to ensure that companies and

their employees can understand and comply with the new requirements."

The start of the 2009 Session of the General Assembly saw the introduction of several bills related to regulation of locksmiths, some of which would substantially alter the new requirements; one would repeal the regulatory requirements altogether. As of the writing of this article, three of those bills were not reported out of committee. One remaining bill which adds an exemption for individuals who provide keycutting services is still remaining.

Details on the licensing and registration requirements are posted on the DCJS website, at [www.dcms.virginia.gov/pss/special/locksmith.cfm](http://www.dcms.virginia.gov/pss/special/locksmith.cfm). ■



## Campus Threat Assessment Training Planned for April

Virginia's colleges and universities will soon have access to newly developed training in responding to threats of violence on campus.

DCJS' Office of Campus Policing and Security (OCPS), and Dr. Dewey Cornell of the University of Virginia's Curry School of Education have collaborated to develop the training, which will be offered on a regional basis on April 14, 21 and 28. Dr. Cornell heads the Youth Violence Project at U.Va. and has done extensive research on school violence. He and his staff created the threat assessment model now in use in public schools throughout Virginia.

The training is part of the extensive, ongoing follow-up to legislation passed by the 2008 Session of the General Assembly and signed by Governor Kaine. The legislation, which took effect last July 1, was a response to the shootings at Virginia Tech in April, 2007. It requires all of Virginia's public colleges and universities to establish campus violence prevention committees and create formal threat assessment teams.

The law specifies that the teams and committees should include representatives of law enforcement, student affairs, counseling services, mental health professionals, residence life and other elements of campus communities.

The violence prevention committees are charged with creating and implementing policies and procedures concerning threatening behavior, and the resulting reporting, assessment, intervention, and resolution of such behavior. The threat assessment teams are responsible for implementing the process outlined by the violence prevention committees.

To begin the process, DCJS, UVA, and the Virginia Department of Health (VDH) convened a College Threat Assessment Forum last summer to learn what schools

are doing now to respond to threats of violence, what they consider to be "best practices," and what their training needs are.

Seventy-three people attended, representing 38 public and private colleges and universities from all over the state; among them were police and security officials, Vice Presidents, Deans and Directors of counseling centers. They spent a day hearing presentations on campus safety and threat assessment and participating in focus groups tasked with deciding how to deal with hypothetical threat situations. They also responded to a survey asking questions about the status of their efforts to comply with the legislation and the areas where they would like assistance from the OCPS.

Dr. Cornell and his staff, and the OCPS, used the ideas and information gleaned from the forum, as well as input from national experts and a review of relevant literature, to develop guiding principles and best practices for threat assessment teams, creating a model for colleges and universities to use in creating the teams. Their work forms the basic content of the trainings.

Donna Bowman, Manager of the Virginia Center for School Safety and the Office of Campus Policing and Security, noted that additional training on law and policy issues related to preventing campus violence has also been offered.

"We're also planning companion training on the legal methods and techniques



which arise when colleges and universities identify and attempt to respond to threats of violence on campus," she added.

"There are clearly some misunderstandings about what information can be shared and what actions can be taken to deal with threats of violence on campus," she added. "We hope this companion training will help clarify these issues for the assessment teams."

The project is being supported with funds provided by VDH and the Law Enforcement Terrorism Prevention Program.

For further information about campus safety and the upcoming trainings, visit the website at [www.dcjs.virginia.gov/vcss/?menuLevel=8](http://www.dcjs.virginia.gov/vcss/?menuLevel=8) or contact Donna Bowman at (804) 371-6506 or Steve Clark at (434) 947-2938. ■



## Study Looks at Sentencing Guidelines in Virginia, Two Other States

A study by the National Center for State Courts found that Virginia's criminal sentencing guidelines are effective in making sentencing more consistent and limiting undesirable disparity.

The study, *Assessing Consistency and Fairness in Sentencing: A Comparative Study in Three States*, examined the guidelines systems in Virginia, Michigan and Minnesota.

Nationwide, 20 states and the District of Columbia have adopted sentencing guidelines in recent years. Virginia's guidelines system was adopted in 1994, when parole was abolished and truth-in-sentencing legislation was enacted.

The National Center's study focused on sentencing data and practices in the three states to try to determine the degree to which their guidelines: produced consistency in sentencing, meaning that like cases were treated alike; provided meaningful and proportional distinctions between more serious and less serious offenders; and minimized the effects of factors that should not play a role in sentencing decisions, such as age, race, gender and geographic location of offenders.

Virginia's sentencing guidelines are voluntary. Judges are not required to impose the sentences called for by the guidelines and the sentence ranges specified in the guidelines are wider than those in the other two states. Minnesota, on the other hand, has a relatively strict system in which the guidelines establish fixed, presumptive sentences. Michigan's guidelines allow judges somewhat more discretion than Minnesota's. In both Minnesota and Michigan, departures from guidelines-recommended ranges are permitted only if "substantial and compelling" circumstances warrant it; and departures are subject to appellate court review.

The three states require judges to use worksheets to evaluate each case and offender. Variables related to the crime as well as the defendant and his or her prior criminal record are considered. Completion of the worksheets produces a recommended sentence or sentence range.

In Virginia, each type of offense has a set of conduct variables that apply to that offense; for example, in the case of burglary of a dwelling, aspects of the crime that are scored include whether the dwelling was occupied, whether the crime occurred at night, and whether a deadly weapon was used. Virginia's worksheets also include up to 10 variables related to the offender's prior record. The recommended sentencing ranges are based on past sentencing decisions.

Since adherence to the guideline recommendations is voluntary in Virginia, judges may impose sentences that depart from the recommended ranges; however, when they do so, they are still required to review and sign the worksheets, and provide written explanations for departing from the recommendations. Judges in Michigan and Minnesota must also explain their departures in writing.

Both Minnesota and Virginia have active sentencing commissions that monitor the use of their guidelines, Virginia's being among the most active of all guidelines states, according to the researchers. Michigan's commission was abolished several years ago.

The study found that all three guidelines systems produce greater consistency in deciding who goes to prison and for how long. Like cases are being treated alike



and increases or decreases in sentence severity are proportional to the seriousness of the offense and the prior record of the offender. The study noted: "These findings stand in marked contrast to the inconsistent and discriminatory sentencing practices documented in all three states prior to the implementation of guidelines."

The study also found that guidelines reduce disparities due to factors such as race, age and geography that should not play a role in sentencing decisions. Even systems like Virginia's, with wide sentencing ranges in the guidelines and no requirement that judges follow the guideline recommendations, shows no measurable discrimination, according to the study.

The report notes that active participation by a sentencing commission is an essential part of any guidelines system. The authors point out that guidelines "...are no more self-sustaining over time than they are self-executing at inception." Thus, according to the report, commissions play a key quality control role. The Virginia Criminal Sentencing Commission, with members appointed by the Chief Justice, the Governor and both Houses of the General Assembly, was cited as an example of a very active commission. ■

## Accreditation Program Honors Retiring DCJS Staff Member

**E**rnest H. O'Boyle, who recently retired after nearly 20 years at DCJS, was honored at the quarterly meeting of the Board of the Virginia Law Enforcement Professional Standards Commission (VLEPSC) for his key role in the creation of the accreditation program.

Ernie was presented a plaque by Board president, Chief John Skinner of the Manassas Police Department, and vice president, Sheriff F.W. Howard of New Kent County. The inscription on the plaque read:

*Awarded to Ernest O'Boyle  
February 1, 2009  
On the occasion of your Retirement  
from the Department of  
Criminal Justice Services,  
In Recognition of your vital role in  
the creation and development of the  
Virginia Law Enforcement Professional  
Standards Commission,  
You are hereby declared a  
VLEPSC Founding Father,  
By a grateful Board on behalf  
of all Virginia Law Enforcement*

DCJS was represented by Ernie's Law Enforcement Services Section Chief, Tim Paul, and by the Accreditation Center Manager, Gary Dillon.

Ernie worked with the Virginia chiefs' and sheriffs' associations in the early 1990's to create the accreditation program. He was DCJS' first manager of the Accreditation Center established in 1994. After

Ernie was promoted to Assistant Section Chief for the DCJS Law Enforcement Services Section in 2002, he continued his involvement with the accreditation program, supervising the work of his replacement in the Manager's role.

Ernie has served as a consultant to several states that have created similar accreditation programs following Virginia's successful establishment of VLEPSC.



Chief John Skinner (right) of the Manassas Police Department and president of the Board of VLEPSC and vice president, Sheriff F.W. Howard (left) of New Kent County present the plaque to Ernie O'Boyle.

Currently, 77 law enforcement agencies have been accredited through this program, with many others working toward accreditation. More information on law enforcement accreditation is available at [www.dcjs.virginia.gov/accred/?menuLevel=11&mID=9](http://www.dcjs.virginia.gov/accred/?menuLevel=11&mID=9).

Including his time at DCJS, Ernie has served Virginia law enforcement for nearly 40 years. ■

## Census of Law Enforcement Agencies Underway

**T**he University of Chicago's National Opinion Research Center is conducting a census of law enforcement agencies nationwide, on behalf of the U.S. Justice Department's Bureau of Justice Statistics (BJS). The Census of State and Local Law Enforcement Agencies is intended to produce a complete accounting of the nationwide law enforcement workforce.

This is the only data collection effort that attempts to reach every agency in the U.S. It is intended to assist federal, state and local officials assess current and future law enforcement needs. The last such census was conducted in 2004.

More than 18,000 agencies are being surveyed in Virginia and nationwide. For most, the census consists of a two-page form with a series of questions about functions, number of personnel, officer duty areas and facilities. BJS estimates that questionnaire should take about 30 minutes to complete.

About 3,000 agencies were sent a longer survey; the additional questions deal primarily with officer recruitment and retention.

Agencies have the option of completing the questionnaire on paper and mailing it or faxing it to the National Opinion

Research Center, or they can log on to a secure website and complete the survey online.

The survey is voluntary, but BJS urges every agency to respond so the results will be complete and accurate. BJS plans to publish a report on the census late this year. Questions about the census should be directed to Stephanie Poland, at 1-800-669-5539 or [csllea@norc.org](mailto:csllea@norc.org). ■